

REMARKS

Claims 1-4 have been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Wheaton, Jr., U.S. Patent 3,337,077 in view of Itoh et al. (U.S. Patent 5,251,542) and Canadian document No. 2,314,537. Also, claim 5 has been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 3 and further in view of Sommer et al., (U.S. Patent No. 6,866,158). These rejections are respectfully traversed.

The present invention is directed to a food storage container having a specific construction, whereby a non-plastic container body is provided with a closed ring-shaped plastic rim which is adapted to cooperate with a plastic lid for sealing the container body.

Included among the features of the present invention is the manner in which the plastic lid cooperates with the non-plastic container body for sealing the food storage container. Thus, the plastic lid is provided with a groove for engaging the container walls at the upper side of the container and furthermore the plastic lid contains locking wings for engaging with locking protrusions extending from a closed ring provided at the top portion of the container body. Thus, the combination of the groove being part of the plastic lid as well as the locking wings being part of the plastic lid enhances the overall sealing operation as the locking wings which are hinged to the plastic lid are clamped around the locking protrusions extending from the plastic rim.

As noted by the Examiner, the Wheaton patent does not teach the use of a closed ring shaped plastic rim formed in an upper side of an opening of the non-plastic container body wherein the closed ring-shaped plastic rim surrounds all outer surrounding portions of the container body and is provided with locking protrusions integrally formed at opposite sides of the plastic rim. In addition, there is no suggestion in the Wheaton patent wherein the locking protrusions are inserted into locking holes formed in locking wings of the plastic lid. By referring to Figure 2 of the Wheaton reference, it is readily apparent that the container disclosed therein cannot possibly have the same sealing effect as the container of the present invention. Thus, the container as shown in Figure 2 is provided with an inner cover 14 and a top cover 26. Although the inner cover 14 appears to be provided with a peripheral groove which connects

with the wall of the container, the cover 14 is not provided with locking wings for engaging with locking protrusions for enhancing the sealing effect of the container.

The Examiner has further relied upon the Ito patent to show the use of closed ring-shaped plastic rim 33 formed on an upper side of an opening of the non-plastic container body 30 said closed ring-shaped plastic rim surrounding all outer surrounding portions of the container body. However, as is clear by referring to Column 7 of the Itoh et al. patent, the plastic rim 33 does not cooperate with the lid of the container to seal the container, as is the case of the present invention, but rather cooperates with attachment shafts 35 for attaching grip handles formed at opposing portions of the mouth edge part 33. Thus, the purpose of the plastic rim 33 in the Itoh et al. patent is completely different from the present invention and functions in a completely different way when compared to the present invention. Thus, one skilled in the art who puts the Wheaton and Itoh et al. references before him would not know how to modify the teachings of the Wheaton patent with those of the Itoh et al. patent since the Wheaton patent provides no suggestion of cooperation between a protrusion from a plastic rim and locking wings provided on the plastic lid and similarly since the Itoh et al. patent uses a plastic rim for connection with a handle and not for sealing the container, there would be no reason why one skilled in the art would modify the plastic rim for other purposes, such as for sealing the container as defined by the present invention. Even if, *arguendo*, it would be possible to combine the references as suggested by the Examiner, said combination would still not suggest the present invention since nowhere in the prior art can there be found a plastic lid which is provided with a groove for engaging the container walls and additionally that the plastic lid is further provided with locking wings for engaging with locking protrusions from a closed ring-shaped plastic rim formed on the upper sidewalls of the container body.

The Sommer patent is relied upon by the Examiner to allegedly show the use of a plastic layer surrounding the outer surface and the lower portions of the container body. However, such a disclosure cannot be readily found in the Sommer patent. In any event, since claim 5, which is directed to this type of construction, is dependent from claim 1, for the reasons as set forth herein above, it is believed that claim 5 is equally patentable over the prior art references relied upon by the Examiner.

The Applicant's inventive contribution focuses on a unique manner in which the lid of a container can be sealed to the base of the container. Since both the sealing groove and the locking wings both emanate from the same structural component, that is, the plastic lid, the operation of the sealing wings serves to enhance the locking effect as the locking wings are made to engage with the locking protrusions of the closed ring. This feature, which is one of the many features of the present invention, clearly is not even remotely suggested by any of the references relied upon by the Examiner and thus the only way that the Examiner can attempt to reject the claims of the present application is to completely reconstruct the teachings of the references in view of the Applicant's own disclosure.

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of all the claims of the present application are respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

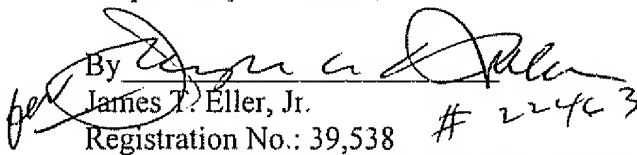
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch, Reg. No. 22,463, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Substitute Specification

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